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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,935

09/25/2006

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PCT 1000

5442

7590  
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02/06/2009

EXAMINER

ALIE, GHASSEM

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,935	<b>Applicant(s)</b> LAZAREVIC, MILISAV	
	<b>Examiner</b> GHASSEM ALIE	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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***Election/Restriction***

Restriction is required under 35 U.S.C. 121 and 372.

1. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under pct Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required in reply to this action to elect a single invention to which must be restricted.

Group I, claims 1-17, drawn to a powered cutter including spur gears 16, 17 having different gear tooth pitch diameters.

Group II, claims 18-20, drawn to a powered cutter having a shaft 159 rotated by a gear for power-take-off drives of a cone and a brush for treating a tube cut.

2. The inventions listed as Groups or Inventions I and II do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons: The technical feature of the invention I, as mentioned above, is not present in invention II. Conversely, the technical features in invention II is not present in invention I.

3. Upon election of Invention I (claims 1-17) applicant must elect one of the following inventions.

Group Ia, claims 3-5, drawn to a powered cutter including two additional gears 44, 77 of pitch diameter different from each other.

Group Ib, claim 6, drawn to a powered cutter including a cam plate rotatably connected

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to spur gears.

Group Ic, claim 7, drawn to a powered cutter including gear 158 rotatably connected to a shaft 160.

Group Id, claim 8, drawn to a powered cutter including a housing having a window 141.

Group Ie, claims 9-10, drawn to a powered cutter including a trigger 83 having two stages of trigger motion.

Group If, claim 11, drawn to a powered cutter including two additional gears 16, and 17 and the housing having mutually engageable tongue-and-groove circular shoulders 27, 29, 28.

Group Ig, claims 2, 12-13, and 17, drawn to a powered cutter including a clutch interposed between gears 16 and 17.

Group Ih, claim 14, drawn to a powered cutter including workpiece guides 148, 149 mounted on the housing.

Group Ii, claim 15, drawn to a powered cutter including feed gears connected to the blade.

Group Ij, claims 16, drawn to a powered cutter including a detent releasably connected to the spur gear 17.

It should also be noted that claim 1 links invention Ia-Ij. The restriction requirement among the linked inventions is **subject to** the nonallowance of the linking claim(s) 1. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104.

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4. The inventions listed as Groups or Inventions Ia-Ij do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons: The technical feature of the invention Ia, as mentioned above, is not present in inventions Ib-Ij. Conversely, the technical features in inventions Ib-Ij are not present in invention Ia. It should be noted that inventions Ia-Ij are distinct from one another by having at least a specific feature that is not presented in the other inventions.

5. Upon election of invention I or invention II, applicant must further elect one Species from each following Group of Species.

Group I.

Species Ia. Fig. 1; and

Species Ib. Fig. 16.

Group II.

Species IIa. Fig. 5;

Species IIb. Fig. 15; and

Species IIc. Fig. 19.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The following claim(s) are generic: claim 1.

6. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special

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technical features for the following reasons: Species Ia lacks cone 151 and brush 152 which are the specific features in Species Ib. Conversely, Species Ib lacks the gear 41 and clutch 81 which are the specific features in Species Ia. Species IIa lacks nut 126 and gear 97 which are respectively the specific technical features of Species IIb and IIc. Conversely, Species IIb and IIc lack pate 109 and spring 117 which are specific features in Species IIa.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance CFR 1.48 (b) if one or more of the named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ghassem Ali/

Primary Examiner, Art Unit 3724

February 3, 2009